

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P801121/WO/1	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2004/002194	International filing date (<i>day/month/year</i>) 04.10.2004	Priority date (<i>day/month/year</i>) 31.10.2003
International Patent Classification (IPC) or national classification and IPC C23C10/08		
Applicant MTU AERO ENGINES GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>3</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2004/002194

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-5 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-15 _____ received by this Authority on 01.09.2005 with letter of 31.08.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>2, 3, 9, 10</u>	YES
		Claims <u>1, 4-8, 11-15</u>	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-15</u>	NO
	Industrial applicability (IA)	Claims <u>1-15</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	Reference is made to the following documents:		
	D1: EP 1 094 131 A.		
	<p>The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of claims 1, 4-8 and 11-15 lacks novelty (PCT Article 33(2)).</p> <p>Document D1 discloses a component for a gas turbine, said component comprising a nickel-based substrate composition containing more than 4.5 wt.% of aluminium (see paragraph [0058]) and a protective anti-corrosion layer. The protective layer is formed by the diffusion of platinum (see paragraphs [0040], [0041]) and the diffusion layer is made up of three zones (see paragraph [0045]), respectively containing 45% wt.%, between 30 and 45 wt.%, and between 10 and 25 wt.%. If each of these three zones is of approximately the same thickness (see figure 3), a <i>maximum</i> mean value of $(45 + 45 + 25) / 3 = 40$ wt.% of platinum is obtained. Thus, the subject matter of claim 1 is known from D1. The applicant is advised that claim 1 contains no information in relation to the distribution of the platinum, reference being made only to an integrated quantity.</p>		

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

The protective anti-corrosion coating *per se* according to independent claim 8 and the method for the production of a component according to independent claim 13 are also known from D1.

The subject matter of dependent claims 4-7, 11, 12, 14 and 15 is likewise disclosed by D1.

The present application fails to satisfy the requirements of PCT Article 33(1) since the subject matter of claims 1 to 15 does not involve an inventive step (PCT Article 33(3)).

Since the subject matter of claims 1, 4-8 and 11-15 lacks novelty, it cannot involve an inventive step.

Dependent claims 2, 3, 8 and 9 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for inventive step. The information in said claims with regard to the platinum content differs only slightly from the values disclosed in D1. Moreover the term "substrate zone" is not precisely defined in the claims.